

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated November 19, 2007, and reconsideration of that Action is requested in view of the following comments.

A petition for a three-month extension of time accompanies this response together with the appropriate fee. Accordingly, the deadline for responding to the Office Action has been extended until May 19, 2008, and this response is therefore timely filed since it was deposited in the mail for First Class Delivery Service on the date certified on the front page hereof.

Claims 1, 3-26 and 28-42 are currently pending. Claims 12-25 and 37-42 stand withdrawn from further consideration in view of the restriction requirement and applicant's election. Applicant is currently considering the filing of a divisional application on the non-elected subject matter. Remaining claims 1, 3-11, 26 and 28-36 stand rejected.

It is noted that the restriction requirement has been made final.

Applicant respectfully requests reconsideration of the rejection of the claims under 35 USC §112 as failing to comply with the written description requirement. Independent claims 1 and 26 have been amended to simply recite the phrase "without tensioning the gasket after mounting to the plate". It is submitted that this limitation is abundantly clear from the specification and drawings as originally filed, and it is also clear from the Examiner's statement that "there appears to be no disclosure of tensioning after joining". Both the written specification and the drawings make it clear that no tensioning takes place after the gasket is mounted to the plate, and as such this

limitation is in accord with the application as originally filed since there is no disclosure of tensioning the gasket after mounting. The only reasonable conclusion is that such mounting occurs without subsequent tensioning. The Examiner is requested to reconsider and withdraw the rejection under 35 USC §112.

Applicant respectfully submits that the pending claims under examination are not anticipated or rendered obvious by the prior art, particularly Barringer et al. US 5,891,295 ("Barringer"), for the following reasons.

By way of example, Figure 3 of the present application is illustrative of the apparatus defined in the rejected claims under examination. Film 118 is placed between frame 112 having an aperture 114 and a second frame 130. By positioning the film 118 between the two frames 112, 130, the film is fixed in place so it will not move and a window 219, for example, can be stamped out of the film. Clearly there are no devices mentioned in the specification or shown in Figure 3 which provide any application of tension to the film after mounting. Quite the contrary tensioning the film after mounting should be avoided because the cutting or stamping out of a window such as 219 would undoubtedly cause adverse crack propagation in the film.

Clearly the fixture of the present invention is not flexible in any manner so as to apply tension after mounting of the film between frames 112, 130. Instead the instant fixture is a frame or tool which allows later assembling of the film to other films such as electrolyte membranes, for example, with very little tolerance in positioning.

The apparatus of Barringer is different from the present invention in that it comprises a complex arrangement for carrying a rectangular flexible sheet while maintaining the sheet in a tensioned condition. Contrary to the conclusion reached by

the Examiner, there is no disclosure or suggestion of anything other than maintaining the sheet in a tensioned condition. This is the overall purpose of Barringer, and the mechanical arrangement is such that tension is applied in each instance. Tension is applied to the film of Barringer by the overall structural arrangement, and such is normal because Barringer relates to flexible circuits and applying tension to the film for later chemical processes. While Barringer does disclose adhesive tapes, pins, springs, clamps and screws these are for holding the film on the complex apparatus after the tensioning takes place. In other words, Barringer distinguishes between the holding means on one hand and the tensioning means on the other.

Barringer requires mechanical loading stations which are rather complex and a frame that is complex. Clearly there are several movable parts on the frame itself as evident from the drawings of Barringer. By way of example, Figure 3 discloses a frame with flexible and moving portions to adhere a thin film to a frame surface. Such means are required in order to apply tension to the film. In contrast, the present invention utilizes a simple frame and simple structure such as magnets and magnetic strips to hold the film in place. Moreover, as noted above there is no application of tension to the film after mounting to the plate. Applying tension would have an adverse affect in that distortion would undoubtedly occur after cutting and processing of the film, and such distortion would ultimately cause problems in the later manufacture processes as well as problems meeting required size tolerance.

In summary, the apparatus disclosed by Barringer cannot be used in the same manner as the apparatus of the present invention in view of the problems noted above. The instant solution provided by the present invention is a simple frame versus a

mechanical processing frame requiring complex mechanical loading stations such as disclosed by Barringer.

Accordingly, for these reasons it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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